

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12, "ZONING", SECTION 14, "CONDITIONAL USE PERMITS", AND SECTION 8.12 "CONDITIONAL USES" OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

- PART 1: That Chapter 12, "Zoning", Section 14, "Conditional Use Permits" and Section 8.12, "Conditional Uses", of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.
- PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.
- PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2002.

APPROVED:

RON SILVIA, Mayor

ATTEST:

Connie Hooks, City Secretary

APPROVED:

Harvey Cargill, City Attorney

EXHIBIT "A"

That Chapter 12, "Zoning", Section 14, "Conditional Use permits", of the Code of Ordinances of the City of College Station, Texas, is hereby amended as set out hereafter to read as follows:

SECTION 14. CONDITIONAL USE PERMITS

Conditional use permit review allows for City Council discretionary approval of uses with unique or widely varying operating characteristics or unusual site development features, subject to the terms and conditions set forth in this Section. The issuance of a Use Permit may be prerequisite to the issuance of a Building Permit or Certificate of Occupancy but shall not alleviate the requirement for a Building Permit or Certificate of Occupancy where this requirement would otherwise exist. A Use Permit is required for all conditional uses. A Use Permit may have a specified time limitation attached and may impose conditions other than those that are specifically set forth in this ordinance.

14.1 APPLICABILITY

Conditional uses are generally compatible with those uses permitted by right in a zoning district, but require individual review of their location, design, configuration, density and intensity, and may require the imposition of additional conditions in order to ensure the appropriateness and compatibility of the use at a particular location.

14.2 APPROVAL - RESPONSIBILITY

The City Council after receiving recommendation from the Planning and Zoning Commission shall have the responsibility for the consideration of Use Permits for conditional uses as enumerated in Section 7. And 8.12 after public hearing as defined herein.

14.3 PROCEDURE

- A. **APPLICATION:** A complete application for a conditional use permit shall be submitted to the Development Services Department. A complete site plan must accompany all applications for a conditional use permit. The application shall be accompanied by a check made payable to the City of College Station for a filing fee to be determined by the City Council. The filing fee shall not be refundable. Until all fees have been paid in full, no action shall be taken on any application or appeal. The City Planner shall forward such information to the Commission and City Council with his recommendation.
- B. **NOTICE PROCEDURE:** The applicant shall give public notice by publication in a local newspaper of general circulation at least fifteen (15) days prior to the dates set for each public hearing before the Planning and Zoning Commission.

and the City Council. The City Planner shall notify all property owners of record within two hundred (200) of the property in question. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in United States mail at least ten (10) days prior to the dates set for the public hearings. The City Planner shall also give a report and recommendation to the Commission on the date of its hearing and to the City Council on the date of its hearing.

- C. **REVIEW PROCESS:** The Planning and Zoning Commission may recommend approval of a conditional use permit where it reasonably determines that there will be no significant negative impact upon residents of surrounding property or upon the general public. The Commission shall consider the following criteria in its review:

1. That the proposed use meets all the minimum standards established in this ordinance for this type of use;
2. That the proposed use meets the purpose and intent of this ordinance and is in harmony with the development policies and goals and objectives as embodied in the Comprehensive Plan for Development of the City; and
3. That the proposed use will not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property.

The Planning and Zoning Commission may recommend additional reasonable restrictions or conditions to carry out the spirit and intent of this ordinance and to mitigate adverse effects of the proposed use. These requirements may include, but are not limited to, increased open space, loading and parking requirements, additional landscaping, and additional improvements such as curbing, utilities, drainage facilities, sidewalks, and screening.

With consideration of the recommendation provided by the Planning and Zoning Commission, the City Council may issue a conditional use permit authorizing a conditional use as enumerated in Sections 7 and 8.12. The City Council shall approve, approve with modifications or conditions, or disapprove the conditional use application.

14.4 EXPIRATION OF APPROVAL

Conditional Uses are granted for a period of 12 months from the date of approval by the City Council. If construction of the project has not commenced within this period, the Conditional Use permit shall expire. The Zoning Official, upon approval by the City Planner, may extend the Use Permit for up to one (1) additional six-month period upon written request from the applicant, which must be received before the date of cancellation.

14.5 RECORDING

One (1) copy of an approved Use Permit shall be given to the owner of the property, and one (1) copy shall be filed in the office of the City Planner.

That Chapter 12, "Zoning", Section 8.12, "Conditional Uses", of the Code of Ordinances of the City of College Station, Texas, is hereby amended as set out hereafter to read as follows:

8.12 CONDITIONAL USES

The following conditional uses may be permitted in any district when they meet special regulations and conditions prescribed by the City Council upon recommendation of the Planning and Zoning Commission through the issuance of a Use Permit (See Section 14). Detailed examination of proposed location and use characteristics is necessary to maximize compatibility.

Child Care.

Convalescent homes.

Churches.

Medical clinics.

Pharmacies.

Public libraries.

Community buildings (municipal or non-profit organizations).

Hospitals, sanitariums, or nursing homes.

Municipal service facilities and buildings (excluding parks which are permitted in any district).

Public or private parking lots and any related accessory use.

Schools, public or denominational.

Telephone exchanges.

(As amended by Ordinance No. 1712 dated June 25, 1987)

Temporary retail sales of concrete products (as associated with the temporary buildings and equipment permitted under 8.14, below).

(As amended by Ordinance No. 2356 dated October 22, 1998)